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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,254	06/26/2001	Yasushi Takahashi	450101-02373	2265

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EXAMINER
VU, THANH T

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/869,254	TAKAHASHI ET AL.
	Examiner	Art Unit
	Thanh T. Vu	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*11 January 2006*</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1, 9, 33, 41-48, 57, 65-66, and 76* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,9,33,41-48,57,65,66 and 76* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This communication is responsive to Amendment, filed 01/11/2006.

Claims 1, 9, 33, 41-48, 57, 65-66, and 76 are pending in this application. In the

Amendment, claims 1, and 33 were amended. This action is made Final.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Zamara et al.

("Zamara", U.S. Pat. No. 5,917,990).

Per claim 1, Zamara teaches video information editing method comprising the steps of:

delimiting at timing of a delimiting instruction a regular edition video, constituted by

continuous dynamic images recorded along with recording position information or time lapse

information, into shots as units of dynamic images or into scenes each containing at least one

shot with the recording position information or the time lapse information associated with the

shots or scenes (col. 3, lines 10-20);

preparing an evaluation value of each of the shots or each of the scenes on the basis of the

information provided corresponding to each of the shots or each of the scenes (col. 3, lines 14-

47);

wherein the information provided includes semantic evaluation information and wherein

the information provided includes information relating to a presence/absence of a single or a

plurality of video characteristic items (col. 3, lines 25-34 and lines 39-47); and

selecting from the regular edition video the shots or the scenes such that each of the

evaluation values of the shots or the scenes satisfies a predetermined condition (col. 3, lines 50-

59; col. 4, lines 27-38).

Claim 33 is rejected under the same rationale as claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9, 41-48, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Zamara et al. ("Zamara", U.S. Pat. No. 5,917,990) and Ratakonda (U.S. Pat. No. 5,995,095).

Per claim 9, Zamara teaches a video information editing method comprising the steps of:

delimiting at timing of a delimiting instruction a regular edition video, constituted by continuous

dynamic images recorded along with recording position information or time lapse information,

into shots as units of dynamic images or into scenes each containing at least one shot with the

recording position information or the time lapse information associated with the shots or scenes

(col. 3, lines 10-20);

preparing a semantic evaluation value of each of the scenes on the basis of the

information provided corresponding to each of the scenes (figs 3 and 4; col. 3, lines 20-47 and

lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15),

selecting from the regular edition video the scenes such that each of the semantic

evaluation values of the scenes satisfies a predetermined first condition (figs 3 and 4; col. 3, lines

20-47 and lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15); and

preparing an evaluation value of at least one of the shots included in each of the selected

scenes on the basis of the information provided corresponding to a single or a plurality of video

characteristic item of the shots (figs. 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines 30-

34; col.4, line 60 – col. 5, lines 15),

selecting the shots such that each of the evaluation values of the shots satisfies a

predetermined second condition (figs. 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines

30-34; col.4, line 60 – col. 5, lines 15).

Zamara does not teach wherein the first and the second condition are set in accordance

with type of preview, the type of preview being selected from a plurality of previews, which are

set for different purposes. However, Ratakonda teaches the first and the second condition are set

in accordance with type of preview, the type of preview being selected from a plurality of

previews, which are set for different purposes (col. 3, lines 40-52; col. 5, lines 48-55). Therefore,

it would have been obvious to one of ordinary skill in the art at the time of the invention to

include the teaching of Ratakonda in the invention of Zamara in order to provide a method for

creating a hierarchical, multi-level summary wherein each level corresponds to a different level

of detail.

Claim 41 is rejected under the same rationale as claim 9.

Per claim 42, Zamara teaches the video information editing device as claimed in claim 41, further comprising means for, if the length of a video produced by connecting selected shots exceed a predetermined video time, modifying at least one of the predetermined first condition and second condition and repeating the processing until the length of the video becomes equal to the predetermined video time (col. 4, lines 14-20, lines 34-38, lines 50-55).

Per claim 43, Zamara teaches the video information editing device as claimed in claim 41, wherein the predetermined first condition is that an absolute value of the evaluation value related to the scene reaches a predetermined threshold value (col. 3, lines 40-47), and

wherein with respect to the integration value of the evaluation value related to each of the scenes along the scene transition, the scene is a peak scene when the continuous increase of the integration value up to a scene exceeds a predetermined first gap value and the absolute value of the continuous decrease of the integration value after that scene exceeds a predetermined second gap value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 60- col. 5, lines 15),

while the scene is a valley scene when the absolute value of the continuous decrease of the integration value up to a scene exceeds a predetermined third gap value and the continuous increase of the integration value after that scene exceeds a predetermined fourth gap value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; and col. 4, lines 60- col. 5, lines 15; col. 4, lines 27-38), and

a threshold value is determined for each area between the peak or valley scene and the adjacent valley or peak scene (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; and col. 4, lines 60- col. 5, lines 15; col. 4, lines 27-38).

Per claim 44, Zamara teaches the video information editing device as claimed in claim 41, wherein with respect to the integration value of the evaluation value related to each of the scenes along the scene transition, the scene is a peak scene when the continuous increase of the integration value up to a scene exceeds a predetermined first gap value and the absolute value of the continuous decrease of the integration value after that scene exceeds a predetermined second gap value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 60- col. 5, lines 15),

while the scene is a valley scene when the absolute value of the continuous decrease of the integration value up to a scene exceeds a predetermined third gap value and the continuous increase of the integration value after that scene exceeds a predetermined fourth gap value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 60- col. 5, lines 15), and the predetermined first condition is applied to the scenes on the upward slope to the peak from the adjacent valley before the peak and the scenes on the downward slope immediately after the peak, on the basis of the magnitude of the increase of the integration value of the valley scene and the adjacent peak scene after the valley, or on the basis of the ranking of the magnitude of the increase of the integration value (figs 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 60- col. 5, lines 15)

Per claim 45, Zamara teaches the video information editing method as claimed in claim 43, wherein the predetermined condition is that the absolute value of the scene evaluation value

relate to the scenes reaches a predetermined threshold value, and the threshold value is set in accordance with the slope from the valley to the adjacent peak or the downward slpe from the peak to the adjacent valley (figs. 3 and 4; col. 3, lines 20-45; col. 3, lines 60-col. 4, lines 20; col. 4, lines 27-38).

Per claim 46, Zamara teaches the video information editing method as claimed in claim 43, wherein the predetermined first condition is that the absolute value related to the scenes reaches a predetermined threshold value, and when each of the evaluation values is formed by a positive or negative value, the absolute value of the threshold value applied to the positive value is made equal to or smaller than the absolute value of the threshold value applied to the negative evaluation value (col. 3, lines 40-47).

Per claim 47, Zamara teaches the video information editing method as claimed in claim 41, wherein the shot evaluation value is a value obtained by adding a value obtained by carrying out predetermined weighting on each of the video characteristic items including at least the presence of a speech, the volume of a predetermined level or higher, the appearance of a specified actor/actress, or the special picture effect in the corresponding part of the regular edition video, with respect to each of the items (col. 3, lines 14-19, and lines 35-47).

Per claim 48, Per claim 40, Zamara teaches the video information editing method as claimed in claim 47, wherein with respect to the shot evaluation value, the weighting value on the item related to the appearance of a specified actor/actress is made greater than the weighting values on the other items (col. 3, lines 3, lines 14-19; col. 5, lines 52-65).

Per claim 57, Zamara teaches a video information editing device comprising:

means for delimiting at timing of a delimiting instruction a regular edition video, constituted by continuous dynamic images recorded along with recording position information or time lapse information, into shots as units of dynamic images or into scenes each containing at least one shot with the recording position information or the time lapse information associated with the shots or scenes (col. 3, lines 10-20);

means for preparing an semantic evaluation value of each of the scenes on the basis of the information provided corresponding to each of the scenes and means for selecting from the regular edition video the scenes such that each of the semantic evaluation values of the scenes satisfies a predetermined first condition (figs 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15);

means for preparing an evaluation value of at least one of the shots included in each of the selected scenes on the basis of the information provided corresponding to a single or a plurality of video characteristic times of the shots and means for selecting the shots such that each of the evaluation values of the shots satisfies a predetermined second condition (figs. 3 and 4; col. 3, lines 20-47 and lines 51-58; col. 4, lines 30-34; col.4, line 60 – col. 5, lines 15); and

means for coding the information of the recording position information or the time lapse information corresponding to each of the selected shots and data including at least the shot evaluation value (col. 3, lines 11-13; col. 5, lines 56-60).

Zamara does not teach wherein the first and the second condition are set in accordance with type of preview, the type of preview being selected from a plurality of previews, which are set for different purposes. However, Ratakonda teaches the first and the second condition are set in accordance with type of preview, the type of preview being selected from a plurality of

previews, which are set for different purposes (col. 3, lines 40-52; col. 5, lines 48-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Ratakonda in the invention of Zamara in order to provide a method for creating a hierarchical, multi-level summary wherein each level corresponds to a different level of detail.

Claims 65-66, and 76 are rejected under 35 U.S.C. 103(a) as being anticipated by Hampapur et al. ("Hampapur", U.S. Pat. No. 6,738,100) and Ratakonda (U.S. Pat. No. 5,995,095).

Per claim 65, Hampapur teaches a method for generating a preview from a video comprising the steps of:

accessing a segment of the video (fig. 4; col. 3, lines 8-25);

establishing a plurality of shots from the segment of the video (col. 5, lines 20-25);

providing semantic evaluation information related to content of one or more of the plurality of shots (fig. 4; col. 6, lines 16-30 and lines 33-42);

evaluating a single or plurality of video characteristics of one or more of the plurality of shots (fig. 4; col. 6, lines 16-30 and lines 33-42);

selecting particular shots as a function of the semantic evaluation information and the single or plurality of video characteristics (fig. 4; col. 6, lines 16-30 and lines 33-42; col. 7, lines 8-28); and

generating the video by concatenating the selected particular shots such that the video has a predetermined time duration (fig. 4; element 204; col. 7, lines 20-28).

Hampapur does not teach wherein selecting particular shots is performed using predetermined condition with a type of preview, the type of preview being selected from a plurality of previews, which are set for different purposes. However, Ratakonda teaches selecting particular shots is performed using predetermined condition with a type of preview, the type of preview being selected from a plurality of previews, which are set for different purposes (col. 3, lines 40-52; col. 5, lines 48-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Ratakonda in the invention of Hampapur in order to provide a method for creating a hierarchical, multi-level summary wherein each level corresponds to a different level of detail.

Claim 66 is rejected under the same rationale of claim 65.

Claim 76 is rejected under the same rationale as claim 66.

Response to Arguments

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

Applicant's primary argument is that Zamara does not teach " preparing an evaluation value of each of the shots or scenes on the basis of the information provided corresponding to each of the shots or each of the scenes, wherein the information provided includes information relating to a presence/absence of a single or a plurality of video characteristic items". The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372,

54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van*

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad

interpretation by the examiner reduces the possibility that the claim, once issued, will be

interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541,

550-51 (CCPA 1969).

In this case, Zamara reads on the claim language of preparing an evaluation value of each

of the shots or scenes on the basis of the information provided corresponding to each of the shots

or each of the scenes (*the examiner interprets preparing an evaluation value of each of the shots*

or scenes to be determining frame luminance value or the data value of a particular shot or

scene, see col. 3, lines 39-45), wherein the information provided includes information relating to

a presence/absence of a single or a plurality of video characteristic items *(the examiner interprets*

the information provided includes information relating to a presense/absence of a single or

plurality of video characteristic items to be a frame that is characterized in luminance data by

large drop in luminance value point, which would indicate a change of scene or a noticeable

change in brightness of the video, see fig. 3; col. 3, line 63 – col. 4, lines 5).

In addition, applicant also points out that Zamara and Ratakoda do not teach that "the

first and second condition are set in accordance with type of preview, the type of preview being

selected from a plurality of types of previews which are set for different purposes". The

examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Zamara teaches the first and second condition (*a frame being selected based on its luminance value and delta value, see fig. 3, col. 4, lines 1-9*). Ratakonda teaches various conditions are set based on the type of previews, the type of preview being selected from a plurality of types of previews which are set for different purposes (col. 2, lines 20-37; col. 5, lines 48-58; col. 6, lines 10-60). Accordingly, Zamara and Ratakonda read on the claim language of the first and second condition are set in accordance with type of preview, the type of preview being selected from a plurality of types of previews which are set for different purposes.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thanh T. Vu whose telephone number is (571) 272-4073. The

examiner can normally be reached on Mon-Thur and every other Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
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T. Vu